

**MINUTES  
CITY OF ST. CHARLES  
GOVERNMENT OPERATIONS COMMITTEE  
ALD. MAUREEN LEWIS, CHAIR  
TUESDAY, JANUARY 21, 2020  
IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS – 2 EAST MAIN STREET**

**1. Call to Order**

Chairman Lewis called the meeting to order at 7:04 pm.

**2. Roll Call**

**Present:** Ald. Turner, Bancroft, Vitek, Pietryla, Bessner, Stellato, Silkaitis, Payleitner, Lemke

**Absent:** None

**3. Administrative**

a. Fuel Tax Receipts December, 2019 – Information Only

b. Video Gaming Statistics December, 2019 – Information Only

**4. Omnibus Vote**

Items with an asterisk (\*) are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.

**5. Police Department**

a. **Recommendation to approve a Proposal for a new Class E2 Liquor License Application for McNally's St. Patrick's Day on the Plaza special event.**

Chief Keegan explained the details of the upcoming St. Patrick's Day on the Plaza event to be held by McNally's. The event is the same as last year with no additions or changes. The necessary paperwork has been completed, dram shop insurance and a site plan is on file. This item advanced forward from the Liquor Control Commission meeting on Monday, January 22, 2020 with a vote of 4 – 0 in favor of the event.

Motion by Ald. Lemke, second by Ald. Pietryla to recommend the approval of a Proposal for a new Class E2 Liquor License Application for McNally's St. Patrick's Day on the Plaza Special Event.

**Roll Call:** Ayes: Turner, Bancroft, Vitek, Pietryla, Bessner, Silkaitis, Payleitner, Lemke;  
Nays: None; Abstain: Stellato. **Motion Carried**

b. **Recommendation to approve an Ordinance Amending Title 9, Entitled "Public**

**Peace, Morals and Welfare,” and Title 10, Entitled “Vehicles and Traffic,” of The City of St. Charles Municipal Code Book (Sale of Drug Paraphernalia and Cannabis).**

Chief Keegan gave an overview of the 5 ordinances being revised. St. Charles is one of the first municipalities passing cannabis related ordinances.

- Subsection (A)(12) of Section 9.45.020, entitled “Definitions,” of Chapter 9.45, entitled “**Nuisance Abatement**,” of Title 9, entitled “Public Peace, Morals and Welfare.”

**Update:** Definition of cannabis and applicable offenses

- Section 9.50.010; 9.50.020, entitled “Drug paraphernalia – Defined,” of Chapter 9.50, entitled “**Public Sale of Drug Paraphernalia**,” of Title 9, entitled “Public Peace, Morals and Welfare.”

**Update:** Follows state statute in regards to specific age requirements for the legal sale of cannabis related paraphernalia. It is illegal to possess drug or tobacco paraphernalia if under the age of 21.

- Section 9.51.010; 9.51.020; 9.51.030; 9.51.040 entitled “**Possession, Use, and Consumption of Cannabis**,” of Title 9, entitled “Public Peace, Morals and Welfare.”

**Update:** Expands the prohibitions for the illegal possession, use and consumption of cannabis pursuant to state statute.

**Key points:** 1. Depending on the circumstances cases can go to adjudication or the circuit court (misdemeanor or felony violation). 2. It is illegal to consume or use cannabis in a manner inconsistent with the cannabis control act. 3. It is illegal to use cannabis in a public place (private property only), including the use of cannabis in a vehicle moving or parked, or in any retail establishment where tobacco use is allowed, cannabis dispensaries. 4. It’s unlawful to use cannabis in close proximity to anyone under the age of 21.

- Section 9.53.010; 9.53.020; 9.53.030; 9.53.040; 9.53.050 entitled “Findings,” of Chapter 9.53, entitled “**Drug Paraphernalia**,” of Title 9, entitled “Public Peace, Morals and Welfare.” (follows state statute in regards to the specific age requirements for the legal possession of cannabis related paraphernalia)

**Update:** follows state statute in regards to the specific age requirements for the legal possession of cannabis related paraphernalia.

Chief Keegan spoke about the sale of pipes and paraphernalia sold in gas stations and vape shops. They are allowed to be sold as long as they are marketed for tobacco and are purchased by individuals over the age of 21. If it’s cannabis it must be sold only at a licensed facility by a certified employee.

- Subsection (6) of Section 10.04.022, entitled “***Seizure and impoundment of motor vehicles – Use in connection with illegal activity***,” of Chapter 10.04, entitled “General Provisions,” of Title 10, entitled “Vehicles and Traffic.” (modifies the possession limits when a vehicle can be impounded pursuant to a lawful arrest by a police officer)

**Update:** Modifies the possession limits when a vehicle can be impounded pursuant to a lawful arrest by a police officer.

There are certain offenses that would allow for vehicles to be impounded. The cannabis offence was at 10g, with what has been legalized at the State level, and after reviewing with legal staff, any amount of cannabis, delivery or possession, we would impound at that level.

Ald. Bancroft noted that there was some verbiage missing from 9.51.030 Possession, Use and Consumption Unlawful. Ald. Payleitner read the correct verbiage into the record:

*It shall be unlawful for any person to use cannabis knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act;*

A discussion was had regarding public use of cannabis and several other scenarios involving use in the home, or in a vehicle. Chief Keegan indicated that there will be a zero tolerance approach to the law. The laws will be enforced and officers will be very diligent.

Motion by Ald. Pietryla, second by Ald. Payleitner to recommend the approval of an Ordinance Amending Title 9, Entitled “Public Peace, Morals and Welfare,” and Title 10, Entitled “Vehicles and Traffic,” of The City of St. Charles Municipal Code Book (Sale of Drug Paraphernalia and Cannabis).

**Roll Call:** Ayes: Turner, Bancroft, Vitek, Pietryla, Bessner, Stellato, Silkaitis, Payleitner, Lemke; Nays: None. **Motion Carried**

## 6. Finance Department

- a. Seeking Direction on a Funding Request from Pride of the Fox (PTOF) in the Amount of \$22,000 for Sponsorship of Heart of the Fox Event and Various Operating Expenses.

Chris Mininck introduced John Rabchuk representative for The Pride of the Fox. Mr. Rabchuk indicated that The Pride of the Fox is requesting sponsorship for various operating expenses and The Heart of the Fox event which includes Dragon Boats and a Ninja Challenge Course.

Motion by Ald. Bancroft, second by Ald. Lemke to approve the Funding Request from Pride of the Fox (PTOF) in the Amount of \$22,000 for Sponsorship of Heart of the Fox Event and Various Operating Expenses.

**Roll Call:** Ayes: Turner, Bancroft, Vitek, Pietryla, Silkaitis, Stellato Payleitner, Lemke; Nays: None; Abstain: Bessner. **Motion Carried**

## 7. Community Development

- a. Consideration of a Memorandum of Understanding regarding a proposal for First Street Redevelopment Building 7B and designating R&B Development, LLC as developer

Rita Tungare spoke about Building 7B, the property east of the Blue Goose Supermarket. She indicated that there has been no other interest in the building other than that of R&B Development, LLC, and the City has worked with them for many years. There will be 21 apartments in the building and businesses. The developer suggests that the City design and pay for the streetscapes adjacent to the building. Rita presented conceptual drawings of the building and noted that this is not being approved at this meeting, but a preliminary plan will be presented at a P&D Meeting, and the be forwarded to City Council for final approval. This presents an opportunity to complete one of the last buildings in the First Street Redevelopment Project.

Ald. Payleitner expressed concern with parking and that parking might be lost for the businesses in the area.

Ald. Lemke said that there is parking in front of the Blue Goose Supermarket that isn't necessarily for the customers of the Blue Goose. There may be potential there for parking.

Ald. Stellato and Ald. Bancroft were in agreement that the ratios of parking aren't what they used to be not seeing 2 cars per unit anymore.

Ald. Vitek said that the interpretation of parking is skewed. Also, we want St. Charles to be a walkable City.

Ald. Pietryla indicated that he's good with the design.

Ald. Bessner said that he's concerned with the space between the building and the Blue Goose and what will be there.

Chairman Lewis said that parking is a perception. She is fine with the land use but the design needs some work.

Motion by Ald. Turner, second by Ald. Vitek to recommend the approval of a Memorandum of Understanding regarding a proposal for First Street Redevelopment

Building 7B and designating R&B Development, LLC as developer.

**Roll Call:** Ayes: Turner, Bancroft, Vitek, Pietryla, Bessner, Stellato, Silkaitis, Payleitner, Lemke; Nays: None. **Motion Carried**

**8. Additional Items from Mayor, Council, Staff, or Citizens.**

**9. Executive Session**

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

**10. Adjournment**

Motion by Ald. Lemke second by Ald. Turner to adjourn the meeting at 7:45 pm.

**Voice Vote:** Ayes: Unanimous; Nays None; Chairman Lewis did not vote as chair.

**Motion Carried**

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